

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Lincoln General Insurance Company :

Plaintiff :

v. :

Mark Grossbard, et al :

Defendants :

Case No.: 05-1602 (YK)

FILED
HARRISBURG

MAY 25 2006

MARY E. D'ANDREA, CLERK
Per. *[Signature]*
Deputy Clerk

MEMORANDUM AND DECISION FOR DEFAULT

JUDGMENT PURSUANT TO FRCP 55(b)(1)

This request for entry of a default judgment against Defendant Northern Financial Group under Count I of the Complaint and Defendant Richard Pisacane under Count II of the Complaint comes before the court on motion of the Plaintiff pursuant to Fed. R. Civ. P. 55(b)(1).

I. Findings of fact

The record in this case and the declaration and affidavits submitted in support of Plaintiff's motion establish that defendant Richard Pisacane was regularly served with a copy of the summons and complaint on October 17, 2005. Defendant Richard Pisacane subsequently failed to appear and answer plaintiff's complaint in this action, and the Clerk of Court entered Defendant his default on November 30, 2005. It appears that Defendant Richard Pisacane is not an infant or incompetent person. An affidavit of nonmilitary

service and an affidavit of amount due of \$873,441.94 under Count II of the complaint are both on file.

In like manner, the record in this case and the declaration and affidavits submitted in support of Plaintiff's motion establish that defendant Northern Financial Group was regularly served with a copy of the summons and complaint on October 17, 2005 and that Northern Financial Group failed to appear and answer plaintiff's complaint in this action. The Clerk of the Court entered Northern Financial's default on December 13, 2005. Defendant Northern Financial Group is not an incompetent person or infant, and an affidavit of nonmilitary service is not applicable. An affidavit of amount due is on file establishing that plaintiff sustained damages in the amount of \$873,441.94 under Count I of the complaint.

II. Conclusions of law.

Under the facts of this case set forth above, this court finds that Fed. R. Civ. P. 55(b)(1) entitles Plaintiff to entry of a default judgment against Defendant Northern Financial Group under Count I of the complaint and entry of a default judgment against Richard Pisacane under Count II of the complaint.

III. Order

AND NOW, therefore, **IT IS ORDERED THAT** the Clerk of the Court shall enter judgment for Plaintiff and against defendants Northern Financial Group, and Richard Pisacane in the amount of \$ 873,441.94, with an interest rate of six(6) % per annum from the date of this judgment, until

paid.

s/Yvette Kane

Yvette Kane
United State District Judge

Dated: 5/25/06